

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- x  
JOSEPH OQUENDO,

Plaintiff,

-against-

**NOTICE OF MOTION**

CITY OF NEW YORK, NEW YORK CITY POLICE  
DEPARTMENT, former Commissioner RAYMOND W.  
KELLY, former Commissioner WILLIAM J. BRATTON,  
commissioner JAMES P. O'NEILL, legal Bureau Director  
JONATHAN DAVID, Former Investigator THOMAS  
SCOLLAN, and "JOHN DOES #1-3" and JANE DOES #  
1-3," said names being fictitious, but intended to designate  
certain unknown employees of the City of New York  
Police Department,

19-CV-6352 (BMC)

Defendants.  
----- x

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of  
Law in support of this motion, dated February 28, 2020; and upon the pleadings herein,  
the undersigned will move this Court, before the Honorable Brian M. Cogan, United  
States District Judge, at the United States Courthouse for the Eastern District of New  
York, located at 225 Cadman Plaza East, Brooklyn, New York, at a time set by the Court,  
for an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure,  
dismissing the Complaint, and granting such other and further relief as the Court may  
deem just and proper.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to the Order of the Honorable Brian M. Cogan dated February 24, 2020, any answering papers should be filed on or before March 6, 2020, and reply papers on or before March 13, 2020.

Dated: New York, New York  
March 1, 2020

**JAMES E. JOHNSON**  
Corporation Counsel of  
the City of New York  
Attorney for Defendants  
100 Church St., Rm. 5-318  
New York, New York 10007  
Email: [alulich@law.nyc.gov](mailto:alulich@law.nyc.gov)  
Tel: (212) 356-2369  
Fax: (212) 356-1148

By:           /S            
Aimee K. Lulich  
Senior Counsel

cc: Robert La Reddola, Esq.  
La Reddola, Lester & Associates, LLP  
*Attorneys for Plaintiff*  
600 Old Country Road, Suite 230  
Garden City, New York 11530

19-CV-6352 (BMC)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOSEPH OQUENDO,

Plaintiff,

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT,  
former Commissioner RAYMOND W. KELLY, former Commissioner  
WILLIAM J. BRATTON, commissioner JAMES P. O'NEILL, legal  
Bureau Director JONATHAN DAVID, Former Investigator THOMAS  
SCOLLAN, and "JOHN DOES #1-3" and JANE DOES # 1-3," said  
names being fictitious, but intended to designate certain unknown  
employees of the City of New York Police Department,

Defendants.

**NOTICE OF MOTION**

***JAMES E. JOHNSON***

*Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street Room 5-318  
New York, N.Y. 10007*

*Of Counsel: Aimee Lulich  
Tel: (212) 356-2369  
Matter No.: 2019-060084*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2020.....*

*....., Esq.*

*Attorney for .....*